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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,282	05/23/2006	Udo Heselhaus	016382-9015	4389
7590 03/21/2008				
Michael Best & Friedrich 100 East Wisconsin Avenue Suite 3300 Milwaukee, WI 53202-4108				
EXAMINER				
PATIL, KIRAN B				
ART UNIT		PAPER NUMBER		
3612				
MAIL DATE		DELIVERY MODE		
03/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/580,282

Applicant(s)

HESELHAUS ET AL.

Examiner

/Kiran B. Patel/

Art Unit

3612

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Final Rejection (3/28/08)

Drawings

1. Claims, elected for prosecution, are confusing and are not clear because reference character "24" has been used to designate both "two outer areas" and "side roof parts", which fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims, elected for prosecution, are confusing and are not clear because reference character "16" has been used to designate "the rear roof part, "the convertible top compartment lid" and "roof part", which fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Above are just few examples of the discrepancies and therefore the Applicant is requested to go through the application and ensure that the claimed matter has been described in the specification and shown in the drawing in such a way as to convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Correction is required.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a linkage mechanism arranged and constructed to move the roof part between the closed position and the opened position; at least one guide element arranged and constructed to be supported on the convertible top compartment lid; and at least one guide device arranged and constructed to contact the roof part during one segment of the movement path between the opened position and the closed position, wherein the guide device includes at least one guide element arranged and constructed to be supported on the convertible top compartment lid or the vehicle body, the at least one guide element being arranged and constructed to contact and then move along a guide path defined on the roof part when the roof part is moving from its closed position to its opened position and thereby effect a directional change of the movement path of the roof part when the guide device

arrives in contact with the roof part must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:
Specification recites "The vehicle roof structure 10 of the first embodiment, which is illustrated in Fig 1-4 in the closed position, closed position. The specification fails to identify the remaining embodiments.
Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 11, 25 recite "a linkage mechanism arranged and constructed to move the roof part between the closed position and the opened position". It appears from the figures that the linkage mechanism 36 is not even connected with the roof and therefore cannot move the roof.

Claims 11, 25 recite "at least one guide element arranged and constructed to be supported on the convertible top compartment lid". It appears that guide element 42 is not supported on the convertible top compartment lid. It is not clear what the claimed limitation is.

Claims 11, 25, recites "at least one guide device arranged and constructed to contact the roof part during one segment of the movement path between the opened position and the closed position, wherein the guide device includes at least one guide element arranged and constructed to be supported on the convertible top compartment lid or the vehicle body, the at least one guide element being arranged and constructed to contact and then move along a guide path defined on the roof part when the roof part is moving from its closed position to its opened position and thereby effect a directional change of the movement path of the roof part when the guide device arrives in contact with the roof part". It appears that the guide device 33 does not contact the roof and therefore cannot guide the roof.

Claim 11, 25 recites "arranged and constructed". It is not clear what the claimed limitation in this application is.

Claims 11, 25 recite "at least one guide device"; "at least one guide element"; and "a guide path". It is not clear what the claimed limitation is.

Above are just few examples of the discrepancies and therefore the Applicant is requested to go through the all the claims and ensure that the claimed matter has been described in the specification and shown in the drawings in such a way as to convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Correction is required.

Response to Arguments

5. The restriction requirement and the species election requirement made in the Office Action mailed 1/2/08 are withdrawn awaiting resolution of the drawing objections and rejections of claims are clearly answered and/or resolved.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/Kiran B. Patel/

Kiran B. Patel P.E.
Primary Examiner
Art Unit 3612
March 28, 2008